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Counsel for Plaintiff

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY  
 (CAYMAN) LTD., a Cayman Islands  
 company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF  
 MEDICINE FOUNDATION, a  
 Netherland-Antilles company, et al,  
 Defendants.**

Case No. CV-S-05-0848-BES

**NOTICE OF FILING DISCOVERY  
 PLAN AND SCHEDULING ORDER**

Attached as Exhibit A is Plaintiff's proposed Discovery Plan and Scheduling Order. Plaintiff anticipated that, at the very least, Defendants Patricia Hough and the Association of American International Medical Graduates, Inc. would join in the attached proposed Order. However, these Defendants have rejected the attached proposed Order, and, despite three days of negotiations, the parties have not been able to agree on the language of the Order. As such, Defendants have opted to submit a separate, competing Order. Plaintiff respectfully requests that this Court approve the enclosed proposed Order as it believes it is an accurate reflection of both parties' positions regarding how discovery and

1 scheduling should proceed in this case.

2 DATED: May 16, 2006.

3 GREENBERG TRAURIG, LLP

4  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing NOTICE OF FILING DISCOVERY PLAN  
AND SCHEDULING ORDER on:

Nathan Reinmiller  
Alverson, Taylor, Mortensen & Sanders  
7401 West Charleston Boulevard  
Las Vegas, Nevada 89117  
Facsimile: 702.385.7000  
Counsel for: Defendant

by causing a full, true, and correct copy thereof to be sent by the following indicated  
method or methods, on the date set forth below:

- ☒ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☒ by faxing to the attorney at the fax number that is the last-known fax number.
- ☐ by electronic mail to the last known e-mail address.

DATED: May 16, 2006

  
An employee of Greenberg Traurig, LLP

EXHIBIT A

**GREENBERG TRAURIG LLP**

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
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**ST. MATTHEW'S UNIVERSITY  
(CAYMAN) LTD., a Cayman Islands  
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF  
MEDICINE FOUNDATION, a  
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**DISCOVERY PLAN AND  
SCHEDULING ORDER SUBMITTED IN  
COMPLIANCE WITH L.R. 26-1(e)**

Plaintiff Saint Matthew's University (Cayman) LTD. ("ST. MATTHEW'S") and  
Defendants Patricia Hough and Association of American International Medical  
Graduates, Inc. ("AAIMG") file this Discovery Plan and Scheduling Order. Defendants  
Saba University School of Medicine Foundation ("SABA UNIVERSITY"), David L.  
Fredrick, Pankaj Desai, M.D. and Education Information Consultants, Inc. and Education

1 International Consultants, LLC (together, "EICs") do not join in this submission in light of  
 2 their pending motions to dismiss on the ground of lack of personal jurisdiction and other  
 3 grounds.

4 Plaintiff contends that counsel of record has appeared on behalf of Defendants  
 5 SABA UNIVERSITY, Fredrick, Desai, and EICs, that those Defendants have non-  
 6 dispositive motions pending with the Court, and that counsel for such defendants  
 7 participated in the discovery conference hereon, and as such should be joined in this  
 8 proposed order on discovery.

#### 9 **I. PROCEEDINGS PRIOR TO CASE CONFERENCE**

- 10       ▪ Date of filing of Plaintiff ST. MATTHEW'S UNIVERSITY (CAYMAN), LTD.'s  
 11       ("ST. MATTHEW'S") Complaint: July 12, 2005
- 12       ▪ Date of filing of First Amended Complaint ("FAC"): October 28, 2005
- 13       ▪ Date of filing of Defendant PATRICIA L. HOUGH, M.D.'s ("HOUGH") Answer to  
 14       FAC: February 15, 2006
- 15       ▪ Date of filing of Defendant ASSOCIATION OF AMERICAN INTERNATIONAL  
 16       MEDICAL GRADUATES, INC.'s ("AAIMG") Answer to FAC: February 15,  
 17       2006
- 18       ▪ Date of filing of Defendants HOUGH and AAIMG's Motion to Dismiss Claims 2,  
 19       3, 5, 6 of FAC: February 15, 2006
- 20       ▪ Date of filing of Defendant DAVID L. FREDRICK's ("FREDRICK") Motion to  
 21       Dismiss FAC: February 15, 2006.
- 22       ▪ Date of filing of Stipulation Between Parties Extending Time to Schedule Rule  
 23       26(f) Conference: March 23, 2006
- 24       ▪ Date of entry of Order Granting Stipulation Between Parties Extending Time to  
 25       Schedule Rule 26(f) Conference: March 24, 2006
- 26       ▪ Date of filing of Defendant HOUGH's Answer and Joinder to Motion to Dismiss  
 27       The Amended Complaint Against Defendants THOMAS MOORE, M.D.,  
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SARAH B. WEINSTEIN, RACHAEL E. SILVER, and DIEDRE MOORE: April 4, 2006

- Date of filing of Defendant PANKAJ DESAI's ("DESAI") Motion to Dismiss FAC: April 4, 2006
- Date of filing of Defendant SABA UNIVERSITY SCHOOL OF MEDICINE FOUNDATION's ("SABA") Motion to Dismiss FAC: April 7, 2006
- Date of filing of Defendants EDUCATION INFORMATION CONSULTANTS, INC. and EDUCATION INTERNATIONAL CONSULTANTS, LLC. (collectively "EICs") Motion to Dismiss FAC: April 7, 2006
- Date of filing of Defendants' Request for Oral Argument on Motions to Dismiss: May 4, 2006
- Date of L.R. 26-1(d) Conference: Counsel conferred on May 11, 2006 via telephone to discuss initial discovery disclosures and develop the following discovery plan.

## II. DISCOVERY ANTICIPATED

Plaintiff ST. MATTHEW'S and Defendants HOUGH and AAIMG (all hereinafter the Stipulating Parties) anticipate the need to serve interrogatories, requests for production of documents and requests for admission. Plaintiff anticipates the need to depose at least 10 deponents. Defendants Hough and AAIMG believe that the number of depositions needed by the Stipulating Parties will not exceed a total of ten for Plaintiffs and a total of ten for all Defendants.

## III. DISCOVERY PLAN

Discovery Commencement Date: Defendants Hough and AAIMG propose that discovery should not commence until after the date of the Court's ruling on the last appearing Defendant's motion to dismiss and that depositions shall not commence until 90 days after the commencement of discovery.

Plaintiff proposes that, as neither Defendant Hough nor AAIMG have any dispositive motions pending, discovery should commence as to those Defendants upon

1 the Court's entry of an order on this proposed discovery plan, in accordance with the  
2 Federal Rules of Civil Procedure. Likewise, third-party discovery should commence upon  
3 entry of the Court's order on discovery.

4 Discovery Cut-Off Date: Defendants Hough and AAIMG propose that the  
5 discovery cut-off date ("Discovery Cut-Off Date") shall be 270 days after the date of the  
6 Discovery Commencement Date. Plaintiff proposes that, given the extensive motion  
7 practice required to date regarding all defendants' resistance to and evasion of service  
8 and discovery efforts, that the Discovery Cut-Off Date should be 365 days after the date  
9 of the Discovery Commencement Date.

10 Amending Pleadings and Adding Parties: The deadline for amending the  
11 pleadings and adding parties shall be 90 days prior to the Discovery Cut-Off Date.

12 Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): Defendants Hough and AAIMG  
13 propose that the deadline for disclosures concerning experts shall be 60 days prior to the  
14 Discovery Cut-Off Date. The deadline for disclosures respecting rebuttal experts shall be  
15 no later than 30 days after the initial disclosure of experts.

16 Plaintiff proposes that the deadline for disclosures concerning experts shall be 90  
17 days prior to the Discovery Cut-Off Date, and the deadline for disclosures regarding  
18 rebuttal experts shall be no later than 60 days after the initial disclosure of experts.

19 Dispositive Motions: The deadline for filing dispositive motions shall be 30 days  
20 after the Discovery Cut-Off Date.

21 Joint Pretrial Order: The deadline for filing the Joint Pretrial Order shall be 45  
22 days after the Discovery Cut-Off Date, or 30 days after the Court's decision on dispositive  
23 motions, or further order of this Court, whichever is later.

24 Fed. R. Civ. P. 26(a)(3) Disclosures: The disclosures required by Fed. R. Civ.  
25 P. 26(a)(3) and any objections thereto shall be included in the Joint Pretrial Order.



1 IT IS SO ORDERED.

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3 DATED: \_\_\_\_\_

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UNITED STATES DISTRICT JUDGE

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6 RESPECTFULLY SUBMITTED:

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Dated: May 16, 2006.

KRONENBERGER HANLEY, LLP

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By: 

Karl S. Kronenberger

Terri R. Hanley

Attorneys for Plaintiff

ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

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Dated: May 16, 2006

  
GREENBERG TRAURIG, LLP

Mark G. Tratos

F. Christopher Austin

Ronald D. Green, Jr.

Designated Local Counsel for Plaintiff

ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

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Dated: May \_\_, 2006.

ALVERSON TAYLOR MORTENSEN NELSON &  
SANDERS

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21

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By: \_\_\_\_\_

Nathan R. Reinmiller

Counsel for Defendants HOUGH and AAIMG

23

24

Dated: May \_\_, 2006.

BOWDITCH & DEWEY, LLP

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26

By: \_\_\_\_\_

Michael P. Angelini

Vincent F. O'Rourke, Jr.

Counsel for Defendant HOUGH

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